

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

FILED

NOV 26 AM 10:06

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA )

VS. )

Luis Vea ALGANDAR )  
Marisol Valenzuela VALDEZ )

Magistrate Judge Case No: '07 MJ 2740

BY: pa DEPUTY

COMPLAINT FOR VIOLATION OF:  
21 U.S.C. S 952 & 960

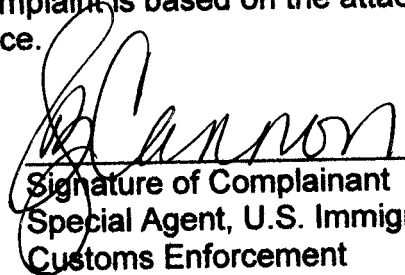
Importation of a Controlled Substance

The undersigned complainant being duly sworn states:

**COUNT ONE**

On November 25, 2007, within the Southern District of California, Luis Vea ALGANDAR and Marisol Valenzuela VALDEZ did knowingly and intentionally import approximately 11.40 kilograms (25.08 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Signature of Complainant  
Special Agent, U.S. Immigration and  
Customs Enforcement

Sworn to before me and subscribed in my presence this 26 day of November, 2007.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, Special Agent Jacqueline Cannon, declare under penalty of perjury, the following is true and correct:

At approximately 11:58 a.m., on November 25, 2007, Luis Veal ALGANDAR entered the United States from the Republic of Mexico via the San Ysidro (California) Port of Entry (POE). ALGANDAR was the driver and Marisol Valenzuela VALDEZ along with her minor children Oscar VALDEZ and Monserrat Sanudo VALDEZ were the passengers of a 1992 gold Nissan Maxima bearing BAMX/license plate BEE4482. CBPO Stuart Hersey was performing primary operations when his narcotic detecting dog "Dada" alerted to a gold 1992 Nissan Maxima. NDD "Dada" alerted to the fuel tank. CEO Hersey informed CEO Smithburg of the alert.

On November 25, 2007, at approximately 12:00 p.m., Customs and Border Protection Canine Enforcement Officer (CEO) Gene Smithburg was conducting pre-primary operations when CEO Stuart Hersey asked for CEO Smithburg assistance with a gold Nissan Maxima. CEO Smithburg received a negative declaration and after conducting a cursory inspection, CEO Smithburg escorted the occupants and the vehicle to the secondary lot for further inspection.

On November 25, 2007 at approximately 12:15 p.m., CBPO Daniel Nickerson was assigned to conduct a 7-point inspection of the vehicle. CBPO Nickerson discovered packages concealed in the gas tank of the vehicle. CBPO Nickerson removed 10 packages from the vehicle with a total weight of 11.40 Kilograms (25.08 pounds). CBPO Nickerson probed three random packages and removed a white powdery substance, which field-tested positive for cocaine.

On November 25, 2007 at approximately 3:35 p.m., Special Agent (SA) Estela Clark read ALGANDAR his rights per Miranda in the Spanish language, as witnessed by SA Jacqueline Cannon. ALGANDAR waived his Miranda Rights and agreed to speak without an attorney present. ALGANDAR admitted that he was told that marijuana was in the vehicle but he did not know the location. ALGANDAR stated that he had met VALDEZ and "El Nano" approximately two weeks ago. During this meeting "El Nano" told ALGANDAR and VALDEZ to tell law enforcement officers at the border that he and VALDEZ are cousins. ALGANDAR admitted he was being paid from \$1500.00 to deliver the vehicle to a swap meet located off Interstate 5 highway in San Ysidro, CA. ALGANDAR was subsequently transported to the Metropolitan Correctional Center. ALGANDAR is now pending federal prosecution.

On November 25, 2007 at approximately 6:00 p.m., San Diego Police Officer (SA) Jose Perez read VALDEZ her rights per Miranda in the Spanish language, as witnessed by SA Jacqueline Cannon. VALDEZ waived her Miranda Rights and agreed to speak without an attorney present. VALDEZ was asked what her relationship to ALGANDAR is and she stated that he is her cousin. VALDEZ stated that she had known him for many years but when asked did not know ALGANDAR'S last name. VALDEZ also stated that she was supposed to go to a warehouse and then to a swap meet off the 905 freeway in Otay Mesa, CA. When confronted with her lack of knowledge about ALGANDAR, VALDEZ changed her story and stated she had only known ALGANDAR for a couple of years. VALDEZ was subsequently transported to the Metropolitan Correctional Center. VALDEZ is now pending federal prosecution. VALDEZ'S minor children were released to the custody of her adult daughter Denisse Anali SANUDO Valdez.